



Patent Application
Attorney Docket No.: 10407/559

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Anthony Fontaine
Serial No. : 10/033,716 Examiner: Not Yet Known
Filed : December 27, 2001 Group Art Unit: Not Yet Known
Title : REMOTE ACCESS VERIFICATION
ENVIRONMENT SYSTEM AND METHOD

Commissioner for Patents and Trademarks
U.S. Patent and Trademark Office
Washington, D.C. 20231

DECLARATION OF MONICA J. FINTA UNDER 37 C.F.R. § 1.68

Sir:

MONICA J. FINTA hereby declares under penalty of perjury as follows:

1. I am the Assistant General Counsel for Bally Gaming, Inc., located in Las Vegas, Nevada. I am competent to testify as to the matters set forth herein, and I will so testify if called upon to do so. I make this Declaration in support of the Petition to Accept the Oath and Declaration in a Non-Provisional Application without Inventors' signatures.

2. I have been employed by Bally Gaming, Inc. for the past seven years. Among other things, my responsibilities include coordinating the invention disclosure statements and the filing of patent applications for Bally Gaming, Inc. via the law firm of Brown Raysman Millstein Felder & Steiner, LLP. Brown Raysman, et al. represents Bally Gaming Inc. in the filing and prosecution of its patent cases before the U.S. Patent and Trademark Office.

3. Claiming the benefit of a co-pending Provisional Patent Application, Serial No. 60/145,068, that was filed July 9, 1999, a utility patent application entitled REMOTE ACCESS VERIFICATION ENVIRONMENT SYSTEM AND METHOD was filed on July 7, 2000 by Brown Raysman, et al., with the U.S. Patent and Trademark Office, and assigned Application Serial No. 09/612,476. Since that time, two continuation patent applications, based upon the Provisional Patent Application, have been filed with the U.S. Patent and Trademark Office. The first on May 11, 2001 (U.S. Patent Application Serial No. 09/854,438) and the second on December 27, 2001 (U.S. Patent Application Serial No. 10/033,716).

4. When the initial utility patent application was filed on July 7, 2000, Anthony L. Fontaine, one of the inventors, executed an Assignment naming Bally Gaming, Inc., as Assignee of the patent application. This Assignment is attached hereto as Exhibit A.

5. As part of my job responsibilities, I then attempted to contact each of the two remaining inventors in order to have them execute a Declaration and Power of Attorney and an Assignment for filing as a missing part of the above-identified patent applications.

6. On June 29, 1999, I first contacted Vasco Data Security in order to obtain the names and mailing addresses for each of the inventors.

7. On October 11, 2000, not having heard from the inventors regarding their execution of the Oath and Declaration and Assignment, I contacted Tony Fontaine, the above-referenced inventor. He explained to me that it was his understanding that Vasco Data Security International, Inc., of Oak Brook Terrace, Illinois, the company where the other two inventors worked, had disbanded into several small companies. This was his explanation to me as to why I

had not yet received the executed paperwork from the other two inventors. Mr. Fontaine was the only person who had signed an Oath and Declaration at this time.

8. On May 11, 2001, I authorized filing of a continuation application and all required fees in order to prevent Application Serial No. 10/033,716 from going abandoned because of failure to provide the U.S. Patent and Trademark Office with the executed Oaths and Declarations.

9. Prior to August 14, 2001, I left several telephone voice messages for John Im at his Vasco Data Security office.

10. On August 14, 2001, I received a telephone call from John Aviles who identified himself as a co-worker of John Im. Mr. Aviles told me that Mr. Im had asked him to return my call. Mr. Aviles instructed me to send a copy of all documents (assignments, application, and Power of Attorney) directly to Mr. Im at Vasco for his review.

11. On August 29, 2001, I received a call from John Im while he was at work (Vasco). Mr. Im said he was reviewing a copy of the application and requested I send him a copy of the figures referred to in the application. The figures were faxed to my office from our law firm Brown Raysman, et al., and, in turn, I faxed a copy to Mr. Im on September 19, 2001. Having no other information on Wesley Parks, at the same time, I forwarded a copy of the entire application and figures, as well as the Oath and Declaration and Assignment to his last known address at Vasco via First Class Mail

12. On November 6, 2001, I sent an email to Mr. Im inquiring on the status of the documents.

13. Because we never received the executed Oaths and Declarations from either Messrs. Im or Parks, we filed a second continuation patent application and all required fees on December 27, 2001 in order to avoid the patent application from going abandoned.


14. Since Vasco was the only last known address for both Messrs. Park and Im, the two remaining inventors of the patent applications, I forwarded the documents to Vasco's address via certified mail, return receipt requested (to Mr. Im on December 4, 2001 and Mr. Parks on December 5, 2001), soon after we filed the second Continuation Patent Application. See Exhibit B attached hereto.

15. Instead of the executed documents being returned to my attention, I received a letter dated December 10, 2001, from the Office Manager of Vasco, Cynthia M. Harris, indicating Messrs. Park and Im were no longer employed by VASCO. See Exhibit C. In her correspondence to me, it was suggested I contact the Human Relations Manager, for VASCO, Dan Corrigan, by email or phone, in order to see if he would share any forwarding address information with me. Such an email was sent on December 13, 2001. See Exhibit D. To date, Mr. Corrigan has not relinquished any forwarding address information for the two missing inventors.

16. At this time, despite diligent efforts on my part, neither Mr. Im nor Mr. Parks has been located. Currently, I am unaware of their present whereabouts or how to contact either of them.

17. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true. These statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

Executed on May 2, 2002, at Las Vegas, Nevada..



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